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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 11 May 2011 from the Permanent Mission of Kuwait to the United Nations addressed to the President of the General Assembly

It gives me pleasure to inform you that the Government of the State of Kuwait has declared its candidature for membership in the Human Rights Council for the 2011-2014 term, the elections for which are scheduled to be held during the sixty-fifth session of the United Nations General Assembly, on 20 May 2011.

After consultation and coordination between the State of Kuwait and the Syrian Arab Republic, the two countries have agreed to reverse the order in which they plan to put forward their candidatures for membership in the Human Rights Council. The State of Kuwait will stand instead of the Syrian Arab Republic for the 2011-2014 term, and the Syrian Arab Republic will stand instead of the State of Kuwait for the 2013-2016 term.

On 11 May 2011, the Group of Asian States endorsed the candidature of the State of Kuwait for the 2011-2014 term.

As this is the first time that the State of Kuwait has been a candidate for membership in the Human Rights Council, it would like to take this opportunity to provide information on its voluntary pledges and commitments with regard to its contributions to the promotion and protection of human rights at the national, regional and international levels.

In that connection, the Government of the State of Kuwait has the honour to transmit herewith its declaration of voluntary pledges and commitments on strengthening and protecting human rights, in accordance with General Assembly resolution 60/251 (see annex).

The State of Kuwait forwarded a copy of its declaration of voluntary pledges and commitments to the Office of the United Nations High Commissioner for Human Rights on 11 February 2011.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 112 (c).

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Annex to the note verbale dated 11 May 2011 from the Permanent Mission of Kuwait to the United Nations addressed to the President of the General Assembly

Candidature of Kuwait for the Human Rights Council, 2011-2014

Voluntary pledges and commitments in accordance with General Assembly resolution 60/251

Long before its independence, Kuwait followed a system of popular participation and consultation between the ruler and citizens, a practice which became institutionalized with the adoption of the 1962 Constitution. As a logical and natural consequence, all the human rights enshrined in the sharia and international law were provided for, as were legislative monitoring mechanisms to ensure their observance. The Constitution provides for a full range of human rights principles and, in accordance with the Constitution, legislation and implementing regulations have been adopted in order to ensure that those rights are observed. This has made Kuwait an international leader in the protection of human rights. An examination of the Constitution shows that it recognizes rights in a number of areas, including the following:

1. Civil and political rights

The Constitution, article 30, guarantees the preservation and protection of personal freedom. Articles 35-39 and 43-45 provide for the promotion and protection of a number of basic rights and freedoms, including freedom of belief and religious observance; freedom of opinion and scientific research; freedom of expression; freedom of the press, printing and publishing; freedom and privacy of postal, telegram and telephone communications; freedom, in conformity with national laws, to form associations and trade unions; freedom of assembly; and the right to petition the public authorities directly. Those articles further provide that places of residence shall be inviolable and protected from intrusion.

2. Economic, social and cultural rights: justice, freedom and equality

The Constitution, article 7, recognizes a number of human rights principles, including the principles of justice, freedom, equality and cooperation between members of society. Article 8 affirms that the State shall protect the pillars of society and ensure security, tranquillity, and equal opportunity for citizens. Article 29 affirms that all people are equal in rights and responsibilities.

Various laws and regulations are provided by national legislation in order to protect human rights and basic freedoms, in compliance with the principles enshrined in the relevant international instruments. A number of national laws have been enacted that contain numerous provisions designed to reinforce the basic freedoms essential to the protection of human rights.

Since gaining independence in 1961, Kuwait has acceded in a timely fashion to most of the 16 major international human rights instruments, including the following:

(a) The International Covenant on Civil and Political Rights.

(b) The International Covenant on Economic, Social and Cultural Rights.

(c) The International Convention on the Elimination of all Forms of Racial Discrimination.

(d) The Convention on the Elimination of All Forms of Discrimination against Women.

(e) The Convention on the Rights of the Child.

Through international forums, the State has also taken part in the preparatory stages and drafting processes of international human rights instruments. In this connection, it is worth noting that according to the Kuwaiti Constitution, article 70, those instruments become binding upon ratification, and become an integral part of and have the same force and effect as national law. In article 177, the Constitution states that its provisions shall apply without prejudice to treaties and agreements previously concluded by Kuwait with other States and international entities. Because provisions on human rights, whatever their purpose, scope or legal value, are meaningless unless combined with a comprehensive system of regulations to ensure their observance, all three of the judiciary, legislative and executive authorities in Kuwait have made efforts to promote and protect human rights, taking into account both public opinion and international monitoring mechanisms.

Kuwait deals with all matters pertaining to the promotion and protection of human rights through the State institutions which monitor the observance of those rights in accordance with the applicable regulations and laws. Those institutions include the following:

The Government Performance Oversight Agency

This agency monitors the work of ministries and submits an annual report to the Prime Minister exposing violations, noting the measures that have been taken and making proposals on how to improve Government performance.

The Women's Affairs Committee

Established by Cabinet decision No. 634 of 30 June 2002, this committee coordinates the national efforts on women's issues that are made by Government bodies and civil society organizations, proposes public policies on women, and sends representatives to Arab and international forums.

The Supreme Human Rights Committee

The Committee was formed pursuant to Ministerial Decision No. 104 of 2008. It is chaired by the Minister of Justice and its members include representatives of the State agencies that deal with human rights. The Committee's functions comprise the following: providing advice and counsel to Government decision makers on a range of human rights issues; reviewing regulations and laws and proposing amendments thereto; disseminating awareness of human rights through the media; providing training to relevant personnel; and submitting comments on international human rights agreements. The Committee has three specialized subcommittees for domestic follow-up, international liaison and the institutionalization of human rights.

The National Standing Committee on International Humanitarian Law

This Committee was established under the auspices of the Ministry of Justice, pursuant to Ministerial Decision No. 244 of 2006. It is charged with follow-up on all questions relating to implementation of international humanitarian law. Its functions include acting as an advisory body for Government decision makers on matters relating to implementation of norms of international humanitarian law that are binding on the State, and raising citizen awareness of those matters in conjunction with the relevant parties.

The Public Authority for Minors' Affairs

This is an independent agency with a legal personality that was established by Law No. 67 of 1983. Its functions make it a unique and groundbreaking experiment at the global level. It acts as a trustee for persons who have no legal guardian, including minors, persons who have been abandoned, persons who are incapacitated and persons who have gone missing. It protects and develops the assets and property of such persons.

Martyr's Bureau

A subsidiary office of the Amiri Diwan (the Office of the Amir), the Martyr's Bureau was established pursuant to Amiri Decree No. 38 of 1991 in order to honour martyrs and provide their families with material and moral humanitarian assistance. The Bureau embodies the State's gratitude to those citizens who gave their lives in defending the nation.

Supreme Council for Family Affairs

The Supreme Council for Family Affairs was established by Amiri Decree No. 401 of 2006. Headed by His Highness the Prime Minister, its membership comprises the relevant ministers and other public figures. Its purpose is to foster family unity and cohesion, and develop the capacity of the family, with a view to ensuring security and social stability for all.

Public Institution for Social Security

The Public Institution for Social Security was established by Law No. 61 of 1976 in order to administer the social security system, which provides insurance coverage for the elderly, the disabled and the ill. It also provides insurance against work-related injuries and pays death benefits to civilians employed in the Government, private and petroleum sectors, as well as the self-employed and others of similar status.

Environment Public Authority

The Environment Public Authority is a scientific, supervisory and advisory institution with responsibility for environmental issues, including conserving natural resources, controlling environmental pollution, preserving biodiversity and the ecological balance, and achieving sustainable development and comprehensive social planning. The Authority is also responsible for ensuring that organizations

and individuals comply with the regulations it has established within its area of competence.

International Islamic Charitable Organization

The International Islamic Charitable Organization was established by Law No. 64 of 1986 in order to provide humanitarian services to poor and needy persons throughout the world, without discrimination or prejudice, while avoiding involvement in politics or ethnic conflicts. The organization carries out economic, health, educational, cultural and social activities and delivers emergency relief.

Protection of human rights and fundamental freedoms on the ground

Best practices in this regard are reflected in the indicators concerning State respect for and commitment to human rights, in accordance with relevant international instruments, in particular those concerning international humanitarian law and international human rights law. Kuwait's actions demonstrate that all State institutions are committed to, take into account and strive to respect human rights.

Trade unions and federations

Kuwait is a democracy, and trade unions and federations are considered democratic institutions under the Constitution, article 43 of which guarantees the freedom to form such organizations, provided that they conform to domestic norms and are peaceful in nature, and that membership is voluntary. Trade unions and federations are regulated by Law No. 6 of 2010 concerning work in the private sector. Such regulation is consistent with the international instruments on trade union rights and freedoms to which Kuwait has acceded. To date, 41 employers' federations have been established and there are 59 registered trade unions and trade union federations in the public and private sectors. Trade unions enjoy an independent legal personality.

Civil society institutions

Law No. 24 of 1962, concerning clubs and public service associations, was promulgated in keeping with the State's belief that civil society institutions are social partners in fostering freedom of expression and opinion and promoting culture, awareness, citizens' rights and social solidarity. The adoption of this Law also underscores the State's belief that such associations have an important role to play in promoting human rights and raising public awareness. To date, 160 such associations have been registered, each having an independent legal personality and a distinct purpose.

Freedom of opinion

The freedom to report, print and publish, as well as freedom of thought and opinion, are guaranteed under articles 36 and 37 of the Constitution. The only exception to that rule is where publication would constitute an offence against public decency, human dignity or personal freedoms. Law No. 3 of 2006 concerning printing and publishing superseded Law No. 3 of 1961. The adoption of this Law paved the way for the establishment of several daily and weekly newspapers, as well as satellite channels, and established conditions publishers and broadcasters were

able to meet. In its 2009 report, Reporters Without Borders ranked Kuwait first among Arab countries in freedom of the press.

Freedom of religion and belief

Article 35 of the Constitution provides that freedom of belief is absolute. The State guarantees the freedom to practice religious rites in accordance with established customs, provided that such practice does not undermine public order and morals. Accordingly, the State grants the followers of all denominations of the revealed religions the freedom to practice their religious rites and to establish places of worship, without any interference or restrictions, provided that their actions are not detrimental to public order. The World Centre for Mediation was established in keeping with the State's commitment to spread a culture of tolerance and reject extremism by engaging the revealed religions in constructive dialogue.

Women

The State of Kuwait takes great interest in the welfare of women and, in recognition of their active role in maintaining social stability, has given them greater rights. The Constitution, which affirms that all persons, without exception, are equal in respect of dignity, rights and obligations, is the authoritative source of Kuwaiti women's rights. Constitutional provisions on equality have paved the way for Kuwaiti women to assume their rightful place in society. Domestic legislation has also been enacted that guarantees and expands women's rights, provides them with appropriate employment opportunities and strengthens various mechanisms and regulations for their empowerment. In that connection, Kuwait has sought to ensure that its laws accord with the instruments to which it has acceded, in particular the Convention on the Elimination of All Forms of Discrimination against Women and International Labour Organization (ILO) Convention No. 111 concerning discrimination in respect of employment and occupation.

In common with men, women enjoy an independent legal personality and are endowed with full capacity. Article 29 of the Constitution provides that all persons have equal human dignity and are equal before the law, and the actions of various State institutions have given effect to those rights.

Children

The State is committed to providing for the welfare of children in accordance with the Constitution and its obligations under the international treaties it has ratified and to which it has acceded, including the following ILO conventions:

- The ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138)
- The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)
- The Convention on the Rights of the Child and its two optional protocols

Measures have been taken to protect youth from exploitation and physical or psychological abuse; provide them with health care and treatment for infectious diseases; guarantee their right to education; and ensure that education is compulsory and free.

Persons with disabilities and older persons

The State offers a comprehensive package of care and treatment for persons with disabilities and older persons, as follows:

Persons with disabilities

The State pays great attention to persons with disabilities and provides them with everything they need to lead a life of dignity. Persons with disabilities cannot be denied their rights, including the right to education, rehabilitation, training and employment. Several departments have been established to look after their interests, empower them, help them overcome their disabilities, enable them to exercise their rights and integrate them into society. Further to its efforts in that regard, the Government enacted Law No. 8 of 2010 concerning the rights of persons with disabilities, which was drafted with the participation of Government agencies and civil society institutions that work with persons with disabilities. The Higher Council for Disabled Affairs was established in order to provide services to all age groups, including services relating to health care, education, rehabilitation, training and employment. The State provides those services free of charge at a centre that is easily accessible by persons with disabilities. With the adoption of Law No. 8 of 2010, the State codified a system of joint familial responsibility that obliges family members to participate in caring for the disabled. In addition to its efforts to integrate persons with disabilities into society, the State offers such persons a range of benefits, including financial assistance and housing subsidies, and provides them with mobility aids free of charge.

Welfare of older persons

Kuwait strives to provide comprehensive social welfare for older persons. Law No. 11 of 2007 concerning the welfare of older persons incorporates a number of social principles and establishes a regulatory framework that ensures older persons are provided with the best possible protection and care, including round-the-clock care and residential care, which is one of the finest of the State's free services. Older persons are provided with health care, mobility devices and financial assistance. To ensure familial and social cohesion, older person are provided with in-home care so that they can continue to live with their families. The State has also built centres equipped with state-of-the-art facilities providing psychological and social services. Kuwaiti law protects older persons should they become incapacitated and prohibits the abuse of the elderly. Law No. 11 of 2007 provides that a family member or relative may be appointed to care for an older person and will receive an allowance for doing so. That same Law also prescribes penalties for caregivers who neglect their responsibilities.

Health care

Kuwait is committed to providing free health care, which is recognized as a human right under articles 10, 11 and 15 of the Constitution, at every stage of life. There are 94 primary health-care centres, six public hospitals and 32 specialized medical centres, 18 of which are located at the Sabah Health Complex. The health-care system ensures that all individuals have equal access to health-care services and receive similar treatment, regardless of whether service is provided by the Government or the private sector. The State is also committed to giving equal

priority to the health-care needs of all sectors of society including, inter alia, nationals, residents, older persons, children, persons with special needs, women, younger persons and workers.

Right to education

Kuwait takes great interest in the right to education. Since 1965, education has been provided free of charge at all stages, from kindergarten to university, and is compulsory at the primary and secondary stages. In the *2010 Human Development Report* of the United Nations Development Programme, Kuwait was ranked 47th in the world. The State has also effectively eradicated illiteracy. In 2009, the illiteracy rate stood at 3.5 per cent. Every person residing in Kuwait has the right to education. The State has authorized the opening of several private schools to meet the needs of its expatriate communities. Every year, Kuwait funds several scholarships for general and university education for students from a number of countries.

Strengthening a culture of human rights

Not content with merely establishing human rights in the Constitution and the relevant laws, Kuwait strives to instil human rights values in society by strengthening the culture of human rights at all levels, including in media discourse, education and regulations. In 2006, secondary schools began to teach human rights as a separate subject, with a view to raising students' awareness of the importance of democracy, the Constitution and human rights, and to provide them with related knowledge and information. Another goal of this initiative is to prepare students to apply the principles of and foster a positive attitude towards democracy, the Constitution and human rights. Students are given instruction in human rights concepts, the sources, importance and nature of those rights, and the role of international organizations in protecting human rights. Some of those rights are reviewed in greater detail. Human rights is one of the subject matters taught at Kuwait University. Military and other personnel in the colleges and institutes of the security services are provided with instruction and training on human rights from the time they enrol. They are also trained in international humanitarian law and human rights law and the relevant criminal laws, with a view to ensuring that they have a thorough understanding of Kuwaiti law, of which promoting human rights concepts is a primary element. In view of their important role in maintaining law and order, providing protection and enforcing laws and court decisions that support human rights, security service personnel are periodically enrolled in advanced training courses, in order to permit them to keep abreast of developments in the field of human rights.

International humanitarian cooperation

Kuwait is considered to be one of the leading countries in the world in providing humanitarian assistance and relief to countries affected by natural disasters and, in particular, the developing and least developed countries. In order to quickly address damage in disaster-afflicted areas, as documented in the relevant preliminary reports, Kuwait seeks to deliver aid through bilateral mechanisms and non-partisan agencies, including the Kuwait Red Crescent Society. In addition to the humanitarian aid provided through civil society associations, Kuwait is considered among the leading contributors to the funds, programmes and agencies of the United

Nations, including the Central Emergency Response Fund. Kuwait also annually donates some $10 million to a number of international associations and organizations.

Commitments

Kuwait has decided to declare its candidature for membership in the Human Rights Council for the period 2011-2014, in keeping with its desire to promote and support the role of the Human Rights Council. Firmly believing in the importance of protecting human rights, the State of Kuwait affirms its commitment to and respect for human rights through continued implementation of the provisions of the relevant international human rights instruments that it has ratified. Kuwait will not spare any effort to take the measures required to enhance the status of human rights and will support the efforts of the international community in that regard.